

Per C. Olson, OSB #933863
HOEVET OLSON HOWES, PC
1000 SW Broadway, Suite 1500
Portland, Oregon 97205
Telephone: (503) 228-0497
Facsimile: (503) 228-7112
Email: per@hoevetlaw.com

Of Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID LEE FRY,

Defendant.

Case No. 3:16-CR-00051-13-BR

DEFENDANT'S MOTION TO
COMPEL PRODUCTION OF THE
INVESTIGATION OF FBI USE OF
FORCE AND COVER-UP IN THE
FINICUM SHOOTING

Certificate of Conferral: Counsel for David Fry hereby certifies that he has conferred with AUSA Ethan Knight about this motion and the relief sought. The government opposes this motion.

Defendant David Fry, through his attorney Per C. Olson, and on behalf of all defendants, moves this Court to compel production of reports developed in the investigation by the United States Department of Justice, Office of Inspector General, and by the Tri-County Major Incident Team, into members of the FBI Hostage Rescue Team present at the shooting death of LeVoy Finicum on January 26, 2016.

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This motion is based on Rule 16 of the Federal Rules of Criminal Procedures, the Due Process Clause of the Fifth Amendment to the United States Constitution, and the Confrontation and Compulsory Process Clauses of the Sixth Amendment.

This motion is supported by the Memorandum in Support of Defendant's Motion to Compel Production of the Investigation of FBI Use of Force and Cover-up in the Finicum Shooting, filed today. Defendant also relies upon and incorporates the discussion of legal authorities and argument in co-defendant Jon Ritzheimer's Motion to Compel Production of Information Regarding Law Enforcement's Use and Display of Force, filed today. (Document 697 & 698).

DATED this 14th day of June, 2016.

HOEVET OLSON HOWES, PC

/s Per C. Olson

Per C. Olson, OSB 933863
Attorney for Defendant David Fry